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C O N F I D E N T I A L SECTION 01 OF 02 KINGSTON 000448

SIPDIS

WHA/CAR (BENT, SIEBEL), JUSTICE FOR OPDAT/RLIPMAN

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TAGS: [PREL](#) [PHUM](#) [KCRM](#) [SOCI](#) [JM](#)

SUBJECT: COPS ACQUITTED OF MURDER CHARGES IN BRAETON 7

Classified By: CDA Thomas C. Tighe for reasons 1.4 (b) and (d)

1. (U) Summary: On February 11, six Jamaica Constabulary Force (JCF) officers were freed by a Home Circuit Court judge in the 2001 murder case of seven young men known as the "Braeton Seven". Senior Deputy Director of Public Prosecutions, Paula Llewelyn argued the case for the Crown. Llewelyn conceded that there was no evidence to link one of the officers to the shootings and that officer was set free. After defense attorney Patrick Atkinson made a no-case submission on behalf of the remaining officers, Justice Donald McIntosh agreed with the defense motion and directed the twelve-member jury to return a verdict of not guilty. While there has been little public opinion regarding the verdict, some civic organizations vow to continue to apply pressure on the government to fix what they view as "vigilante justice" by the police force. End Summary.

Background

2. (U) On March 14, 2001, Senior Superintendent of Police Renato Adams lead a team of more than 60 Jamaica Constabulary Force (JCF) officers from the now disbanded Crime Management Unit (CMU) to a house in the Braeton area to arrest Christopher Grant and other suspected accomplices in connection with the murder of Police Constable Dwight Gibson, retired customs officer Dennis Betton and Braeton school principal Keith Morris. (Note: Although not a defendant in this case, Adams is awaiting trial in another high profile case of alleged extrajudicial killing. End Note.) Shortly after arriving at the house, the police maintain they came under heavy gunfire and that a shoot-out ensued. After the event, seven youths were found to have been shot dead: Reagon Beckford, age 15; Lancebert Clark, 19; Christopher Grant, 17; Curtis Smith, 20; Andre Virgo, 20; Dane Reynaldo Whyte, 19; Tamayo Wilson, age 20, now commonly known as the "Braeton Seven". The men were shot 46 times, 15 of the wounds were to the heads of six of the victims.

3. Immediately after the killings, the local community challenged the police version of the events. Witnesses came forward as well as human rights organizations claiming that the boys had been captured by police and were begging for their lives when they were killed. Six officers were taken off of front-line duty and charged with murder. Amnesty International's independent investigation of the matter states in part: "It is difficult to accept that all seven youths were killed by shots fired from outside the building. In total, 46 gunshot wounds were found on the bodies and only 22 bullet holes were found in the metal window covers and doors through which the officers fired. The government ballistics expert found only three bullet holes in the metal window covers indicative of shots fired from inside the house, and one of these was made by a 5.56mm round that did not correspond to the weapons the police said were found in the house."

Doomed from the Beginning

4. (U) The trial was an uphill battle for Senior Deputy Director of Public Prosecutions Paula Llewelyn from its commencement on January 18 as main witnesses failed to show up for the trial including a detective who migrated to New Jersey. Another witness, Detective Sergeant Albert Robinson told the court he absolutely could not recall why he went to the forensic laboratory and handled one of the firearms after the killings. The JCF admitted that the crime scene was severely compromised and the investigators were unable to establish a chain of custody for the weapons and spent shells. In an interview with the Observer after the verdict, Llewelyn stated that in submitting to the court that there was a case to answer, the prosecution took the view that one of the witnesses' testimony had indicated that the boys had surrendered. Physical evidence at the scene showed that over twenty gunshots hit the house from the outside while only five came from inside the house. Further, Llewelyn noted, the prosecution's case could only be as good as the evidence provided by witnesses.

15. (C) Delroy Chuck, Opposition Member of Parliament and spokesperson on justice issues stated he knew "not a damn thing would come of this case." Describing the crime scene as severely compromised from the very beginning, he also noted that a strong piece of evidence, three shots into the floor in a small circular area was an indication that something was amiss with the officers' story and was disconcerted that this was never expounded upon at the trial. Yvonne Sobers, Director for Families Against State Sponsored Terrorism (FAST) advised Poloff that she firmly believed the judge never wanted to allow this case to go to the jury. One of the main pieces of evidence linking the officers to the shoot-out was not allowed as the judge had ruled that allowing the evidence would be "tantamount to persecuting the officers."

16. (C) The Police Federation, the union which represents JCF officers, is now in discussions with the Police Services Commission (PSC) and Commissioner Lucius Thomas concerning the appropriate time for the officers to return to full duty. The Federation wants to ensure the officers receive "counseling and reorientation" as they have been on paid leave for two years, which they have described as a stressful situation for the officers. Embassy Law Enforcement Development Advisor (LEDA) has recommended to the Commissioner a complete internal review and appropriate administrative action for the officers' failure to secure the crime scene. Normally the Director of Public Prosecutions (DPP) recommends disciplinary action if they feel it is appropriate. Historically the DPP and JCF do not pursue internal reviews because it is viewed by both establishments as double jeopardy. LEDA also recommended a review of the use of force policy be included in reorientation training. LEDA advised Poloff that although the Police Federation paid JM\$10 million in defense fees, the Ministry of National Security contributed approximately JM\$2 million in a show of support for the Jamaica Constabulary Force.

17. (U) Alleged extrajudicial killings by the JCF have been a concern of many civic organizations like FAST, Jamaicans for Justice and Amnesty International for years. FAST reports that there have been over 650 instances of police shooting civilians since 1999, and no convictions in any of the cases. In another, less publicized case, on February 15 an officer was cleared of murder charges when Justice Kay Beckford upheld a no case submission by defense attorneys and directed the jury to return a verdict of not guilty. FAST Director Sobers cites in a report on the JCF that the contamination of crime scenes, intimidation of civilian witnesses, the poor quality of investigations and the lack of credible forensic reports are just a few of the reasons why there have been no convictions.

18. (U) On February 12, one of Jamaica's most wanted men, Kevin "Richie Poo" Tyndale was captured by JCF officers. It is alleged that Tyndale was the leader of the Gideon Warriors gang and ran an extortion racket as well as being linked to robberies, rapes and killings. After Tyndale was captured, the front page of local newspapers highlighted "Captured gangster wet his pants." LEDA confirmed that when Tyndale was captured, even after he was handcuffed, he begged the police not to kill him. Officers stated it was amazing to see a man whose name drives fear into many hearts begging and pleading for his life and wetting his pants while in police custody. Sobers advised Poloff that FAST would be submitting a report on the Braeton case to the Independent Jamaica Council on Human Rights and request a review of the court proceedings.

19. (C) Comment: Jamaicans continue to grapple with a murder rate that in 2004 was the highest in Jamaica's recorded history. Though they never had a chance to face charges in court, the Braeton Seven were widely believed to be a particularly brutal bunch. Against this backdrop, public confidence in the judicial system has eroded to such an extent that there was no public outcry at the acquittals; in the popular view, the accused officers simply dealt with a dangerous problem in a brutally effective manner. Police impunity for killing civilians will remain a potential problem as long as crime scenes are not protected, forensic evidence is poorly collected, if at all, and incompetent investigative practices permit interference by accused officers. While LEDA is making strides in reforming the Jamaica Constabulary Force, Post will also look to assisting the judicial system in its efforts to prosecute properly all types of criminals.

TIGHE